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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/597,179 | 06/20/2000 | Maura Rooney | BSP2102US02 | 5883 |

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TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

EXAMINER

WINGOOD, PAMELA LYNN

| | |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3736

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/597,179

Applicant(s)
Rooney et al.

Examiner
Pamela Wingood

Art Unit
3736



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12.21.01.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-26, 28-50, and 52-56 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26, 28-50, and 52-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 16
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Pamela Wingood

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-28, 30, 32-35, 38, 41-46, 48-51, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison (986) in view of McMahon (485) and Grenouillet.

Morrison (986) discloses a guidewire having an elongate unitary core of stainless steel or other materials, having a length and a distal portion of a unitary coil (13, Col. 2, lns. 64-67) of stainless; however, it does not have a distal tip of a polymeric material or a core of Nitinol.

McMahon (485) discloses a guidewire having a polymeric tip in an analogous art for the purpose of preventing patient trauma (Col 3, lns. 59-60, 20) and Grenouillet discloses a core of nitinol in an analogous art for the purpose ensuring distal flexibility. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device of Morrison (986) as shown by McMahon (485) and Grenouillet because the use of the atraumatic polymeric tip together with a floppy guidewire would minimize the likelihood of patient trauma during insertion.

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3. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison (986) in view of McMahon (485) and Grenouillet as applied to claims 22-28, 30, 32-35, 38, 41-46, 48-51, 54 above, and further in view of Beisel.

Morrison (986) and McMahon (485) and Grenouillet disclose the limitations above but do not disclose the use of a precipitation hardenable alloy for the second material.

Beisel discloses a precipitation hardenable material for the second material in an analogous art for the purpose of aiding in guidewire insertion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device of Morrison (986), McMahon (485) and Grenouillet as shown by Beisel because the hardened alloy would increase coil stiffness and enhance torquability. (Col. 12).

4. Claims 36 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison (986) and McMahon (48) and Grenouillet as applied to claims 22-28, 30, 32-35, 38, 41-46, 48-51, 54 above, and further in view of Whitborne (517).

Morrison (986) and McMahon (48) and Grenouillet disclose the limitations above but do not disclose the use of a colored coating.

Whitborne (517) discloses the use of a colored coating for medical devices in an analogous art for the purpose of to enhance the performance of the device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device of Morrison (986) and McMahon (48) and Grenouillet as shown by Whitborne (517) because the colored coating would assist in identification.

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5. Claims 37, 39, 40 and 53,55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison and McMahon and Grenouillet an as applied to claims 22-28, 30, 32-35,38. 41-46, 48-51, 54 above, and further in view of Hodgson.

Morrison and McMahon and Grenouillet disclose the limitations above but do not disclose the use of multifilar coils or coils of a rectangular cross section.

Hodgson discloses a guidewire using coils of rectangular multifilar construction in an analogous art for the purpose of transmitting torque. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device of Morrison and McMahon and Grenouillet as shown by Hodgson because such a construction enhances torque transmission. (Abst.)

Response to Arguments

6. Applicant's arguments with respect to claims 22-54 have been considered but are moot in view of the new ground(s) of rejection.

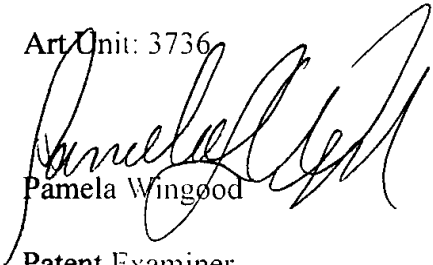
7. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Any questions relating to this application can be addressed to Pamela Wingood who can be reached on (703)308-2676.

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Pamela Wingood

Patent Examiner

July 1, 2002